

# State of South Dakota

## SEVENTY-NINTH SESSION LEGISLATIVE ASSEMBLY, 2004

770J0748

### HOUSE ENGROSSED NO. **SB 167** - 02/19/2004

Introduced by: Senators Jaspers, Bogue, Dennert, Diedrich (Larry), Duxbury, Greenfield, Kelly, Koskan, and Sutton (Dan) and Representatives Juhnke, Bartling, Davis, Deadrick (Thomas), Dykstra, Fryslie, Hundstad, Lintz, Olson (Ryan), Peterson (Jim), Rounds, Sigdestad, and Solum

1 FOR AN ACT ENTITLED, An Act to provide immunity from liability for certain owners of  
2 anhydrous ammonia.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Any person tampering with or assisting in tampering with anhydrous ammonia  
5 assumes the risk of personal injury, death, and any other economic or noneconomic loss or  
6 damage arising from tampering with or assisting in tampering with anhydrous ammonia. An  
7 owner of anhydrous ammonia is not liable to such person for personal injury, death, or any other  
8 economic or noneconomic loss or damage arising out of tampering with or assisting in  
9 tampering with anhydrous ammonia, except in any case in which such loss or damage was  
10 caused by conduct of the owner that was willful, wanton, reckless, or grossly negligent.

11 Section 2. For purposes of this Act, the term, owner of anhydrous ammonia, means any  
12 person who, for any lawful purpose:

13 (1) Owns anhydrous ammonia;

14 (2) Owns a container, equipment, or storage facility containing anhydrous ammonia;



1       (3)    Is responsible for the installation or operation of a container, equipment, or storage  
2            facility containing anhydrous ammonia;

3       (4)    Sells anhydrous ammonia;

4       (5)    Purchases anhydrous ammonia; or

5       (6)    Operates or uses anhydrous ammonia containers, equipment, or storage facilities.

6       Section 3. For the purposes of this Act, the term, tampering, means unlawfully releasing,  
7   transferring, or attempting to release or transfer anhydrous ammonia from its present container,  
8   equipment, or storage facility to another container, equipment, or storage facility or the  
9   subsequent transport of such anhydrous ammonia.